

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

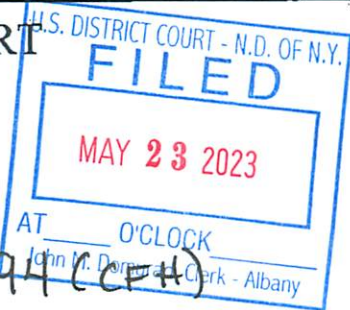
v.)

ANTHONY LUIZZI,)

Defendant.)

Case No. 1:23-mj-

294 (CFH)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about May 23, 2023 in the county of Saratoga in the Northern District of New York, the defendant violated:

Code Section

21 U.S.C. §§ 841(a)(1), (b)(1)(A)

Offense Description

Possession with Intent to Distribute a Controlled Substance (Fentanyl)

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Derek R. Barnholt, DEA Task Force Officer

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: May 23, 2023
*Judge's signature*City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, **Derek Barnholt**, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of criminal complaint charging Anthony LUIZZI with possessing with the intent to distribute a controlled substance (fentanyl), in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) on May 23, 2023.

2. I have been a Task Force Officer of the Drug Enforcement Administration (DEA) since November 2020. I am also a law enforcement officer with the Johnstown Police Department (JPD) in Johnstown, New York, where I have worked as a detective for over six years.

3. I have participated in the investigation of criminal drug trafficking organizations since I joined DEA and with JPD and have undergone numerous training sessions related to all aspects of drug trafficking. Through my training, education, and experience, which includes debriefing cooperating drug traffickers and money launderers, monitoring wiretapped conversations of drug traffickers and money launderers, and conducting surveillance on numerous occasions of individuals engaged in drug trafficking and money laundering, I have become familiar with the manner in which illegal drugs are imported and distributed, the methods of payment for such drugs, the various ways drug money is laundered, and the efforts of persons involved in such activities to avoid detection by law enforcement.

4. This affidavit is intended to show merely that there is probable cause for the charges alleged in the complaint, and consequently it does not set forth all of my knowledge about the matters under investigation. Where statements of others are related in this affidavit, they are related in substance and in part.

BASIS FOR PROBABLE CAUSE

5. On May 22, 2023, a search warrant was issued by this Court authorizing the search of the premises located at Twin Lakes Apartments, 7 Candlelight Court, Unit 7C, Clifton Park, New York (the “Twin Lakes Apartment”) for evidence related to drug trafficking offenses. On May 23, 2022, members of law enforcement, including the DEA, executed the search warrant at the Twin Lakes Apartment, where LUIZZI was found with a female.

6. In the Twin Lakes Apartment, investigators found approximately 11,200 grams of suspected counterfeit M-30 stamped blue pills, as well as approximately 1,033 grams of suspected counterfeit Xanax white pills. A photograph of the drugs found at the Twin Lakes Apartment is seen below:



7. In my training and experience, the quantity of pills found at the Twin Lakes Apartment is not a quantity for personal use and is indicative of drug distribution activities.

8. DEA Special Agent Ostrowski performed a field test on the suspected counterfeit M-30 blue pills, which tested positive for the presence of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (fentanyl).

9. Also, at the apartment investigators found five firearms, including an Ottoman (American Tactical) shotgun with a defaced serial number.

10. Based on my training and experience, including this and other investigations in the Schenectady area, one type of counterfeit pills that are currently being marketed, distributed, and possessed with intent to distribute by drug traffickers in the Capital Region of New York State are known as “M30” pills, which resemble oxycodone 30mg pills. These pills can vary in color but are often blue, are stamped “M-30,” and are known by street names such as “Blues,” “Skittles,” and “30s” and have been found to have detectable amounts of fentanyl in the pills.

11. The pills found at the Twin Lakes Apartment are consistent in appearance with other counterfeit pills containing fentanyl that I have seen in this and other investigations in the Schenectady area. Based on the review of the pills seized at the Twin Lakes Apartment by myself and other DEA investigators, as well as the positive field-test for fentanyl conducted by SA Ostrowski, I also do not believe the pills are legitimate oxycodone pills and believe the pills to be counterfeit pills containing fentanyl.

12. On May 23, 2023, after being advised of his *Miranda* rights, LUIZZI admitted that he was living at the Twin Lakes Apartments, indicated that he intended to distribute the pills found there, and that he suspected the pills contained fentanyl.

CONCLUSION

13. Based on the foregoing, there is probable cause to conclude that on May 23, 2023, Anthony LUIZZI violated Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), by possessing with the intent to distribute cocaine, a Schedule II controlled substance.



Derek Barnholt
Task Force Officer
Drug Enforcement Administration

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on May 23, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Christian F. Hummel
United States Magistrate Judge